

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1182

AN ACT

To repeal sections 148.330, 348.430, and 348.432, RSMo,  
and to enact in lieu thereof three new sections  
relating to tax credits.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 148.330, 348.430, and 348.432, RSMo,  
2       are repealed and three new sections enacted in lieu thereof, to  
3       be known as sections 148.330, 348.430, and 348.432, to read as  
4       follows:

5       148.330. 1. Every such company shall, on or before the  
6       first day of March in each year, make a return, verified by the  
7       affidavit of its president and secretary, or other authorized  
8       officers, to the director of the department of insurance stating  
9       the amount of all premiums received on account of policies issued  
10      in this state by the company, whether in cash or in notes, during  
11      the year ending on the thirty-first day of December, next  
12      preceding. Upon receipt of such returns the director of the  
13      department of insurance shall verify the same and certify the  
14      amount of tax due from the various companies on the basis and at

1 the rates provided in section 148.320, and shall certify the same  
2 to the director of revenue together with the amount of the  
3 quarterly installments to be made as provided in subsection 2 of  
4 this section, on or before the thirtieth day of April of each  
5 year.

6 2. Beginning January 1, 1983, the amount of the tax due for  
7 that calendar year and each succeeding calendar year thereafter  
8 shall be paid in four approximately equal estimated quarterly  
9 installments, and a fifth reconciling installment. The first  
10 four installments shall be based upon the tax for the immediately  
11 preceding taxable year ending on the thirty-first day of  
12 December, next preceding. The quarterly installments shall be  
13 made on the first day of March, the first day of June, the first  
14 day of September and the first day of December. Immediately  
15 after receiving certification from the director of the department  
16 of insurance of the amount of tax due from the various companies  
17 the director of revenue shall notify and assess each company the  
18 amount of taxes on its premiums for the calendar year ending on  
19 the thirty-first day of December, next preceding. The director  
20 of revenue shall also notify and assess each company the amount  
21 of the estimated quarterly installments to be made for the  
22 calendar year. If the amount of the actual tax due for any year  
23 exceeds the total of the installments made for such year, the  
24 balance of the tax due shall be paid on the first day of June of  
25 the year following, together with the regular quarterly payment  
26 due at that time. If the total amount of the tax actually due is  
27 less than the total amount of the installments actually paid, the  
28 amount by which the amount paid exceeds the amount due shall be

1 credited against the tax for the following year and deducted from  
2 the quarterly installment otherwise due on the first day of June.  
3 If the March first quarterly installment made by a company is  
4 less than the amount assessed by the director of revenue, the  
5 difference will be due on June first, but no interest will accrue  
6 to the state on the difference unless the amount paid by the  
7 company is less than eighty percent of one-fourth of the total  
8 amount of tax assessed by the director of revenue for the  
9 immediately preceding taxable year. The state treasurer, upon  
10 receiving the moneys paid as a tax upon such premiums to the  
11 director of revenue, shall place the moneys to the credit of a  
12 fund to be known as "The County Stock Insurance Fund", which is  
13 hereby created and established. The county stock insurance fund  
14 shall be included in the calculation of total state revenue  
15 pursuant to article X, section 18, of the Missouri Constitution.

16 3. If the estimated quarterly tax installments are not so  
17 paid, the director of revenue shall certify such fact to the  
18 director of the division of insurance who shall thereafter  
19 suspend such delinquent company or companies from the further  
20 transaction of business in this state until such taxes shall be  
21 paid and such companies shall be subject to the provisions of  
22 sections 148.410 to 148.461.

23 4. On or before the first day of September of each year the  
24 commissioner of administration shall apportion all moneys in the  
25 county stock insurance fund to the general revenue fund of the  
26 state, to the county treasurer and to the treasurer of the school  
27 district in which the principal office of the company paying the  
28 same is located. All premium tax credits described in sections

1 135.500 to 135.529, RSMo, and sections 348.430 and 348.432, RSMo,  
2 shall only reduce the amounts apportioned to the general revenue  
3 fund of the state and shall not reduce any moneys apportioned to  
4 any county treasurer or to the treasurer of the school district  
5 in which the principal office of the company paying the same is  
6 located. Apportionments shall be made in the same ratio which  
7 the rates of levy for the same year for state purposes, for  
8 county purposes, and for all school district purposes, bear to  
9 each other; provided that any proceeds from such tax for prior  
10 years remaining on hand in the hands of the county collector or  
11 county treasurer undistributed on the effective date of sections  
12 148.310 to 148.460 and any proceeds of such tax for prior years  
13 collected thereafter shall be distributed and paid in accordance  
14 with the provisions of such sections. Whenever the word "county"  
15 occurs herein it shall be construed to include the city of St.  
16 Louis.

17 348.430. 1. The tax credit created in this section shall  
18 be known as the "Agricultural Product Utilization Contributor Tax  
19 Credit".

20 2. As used in this section, the following terms mean:

21 (1) "Authority", the agriculture and small business  
22 development authority as provided in this chapter;

23 (2) "Contributor", an individual, partnership, corporation,  
24 trust, limited liability company, entity or person that  
25 contributes cash funds to the authority;

26 (3) "Development facility", a facility producing either a  
27 good derived from an agricultural commodity or using a process to  
28 produce a good derived from an agricultural product;

1           (4) "Eligible new generation cooperative", a nonprofit  
2 cooperative association formed pursuant to chapter 274, RSMo, or  
3 incorporated pursuant to chapter 357, RSMo, for the purpose of  
4 operating a development facility or a renewable fuel production  
5 facility;

6           (5) "Eligible new generation processing entity", a  
7 partnership, corporation, cooperative, or limited liability  
8 company organized or incorporated pursuant to the laws of this  
9 state consisting of not less than twelve members, approved by the  
10 authority, for the purpose of owning or operating within this  
11 state a development facility or a renewable fuel production  
12 facility in which producer members:

13           (a) Hold a majority of the governance or voting rights of  
14 the entity and any governing committee;

15           (b) Control the hiring and firing of management; and

16           (c) Deliver agricultural commodities or products to the  
17 entity for processing, unless processing is required by multiple  
18 entities;

19           (6) "Renewable fuel production facility", a facility  
20 producing an energy source which is derived from a renewable,  
21 domestically grown, organic compound capable of powering  
22 machinery, including an engine or power plant, and any by-product  
23 derived from such energy source.

24           3. For all tax [year] years beginning on or after January  
25 1, 1999, a contributor who contributes funds to the authority may  
26 receive a credit against the tax or estimated quarterly tax  
27 otherwise due pursuant to chapter 143, RSMo, other than taxes  
28 withheld pursuant to sections 143.191 to 143.265, RSMo, chapter

1 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred  
2 percent of such contribution. Tax credits claimed in a taxable  
3 year may be done so on a quarterly basis and applied to the  
4 estimated quarterly tax pursuant to this subsection. If a  
5 quarterly tax credit claim or series of claims contributes to  
6 causing an overpayment of taxes for a taxable year, such  
7 overpayment shall not be refunded but shall be applied to the  
8 next taxable year. The awarding of such credit shall be at the  
9 approval of the authority, based on the least amount of credits  
10 necessary to provide incentive for the contributions. A  
11 contributor that receives tax credits for a contribution to the  
12 authority shall receive no other consideration or compensation  
13 for such contribution, other than a federal tax deduction, if  
14 applicable, and goodwill. A contributor that receives tax  
15 credits for a contribution provided in this section may not be a  
16 member, owner, investor or lender of an eligible new generation  
17 cooperative or eligible new generation processing entity that  
18 receives financial assistance from the authority either at the  
19 time the contribution is made or for a period of two years  
20 thereafter.

21 4. A contributor shall submit to the authority an  
22 application for the tax credit authorized by this section on a  
23 form provided by the authority. If the contributor meets all  
24 criteria prescribed by this section and the authority, the  
25 authority shall issue a tax credit certificate in the appropriate  
26 amount. Tax credits issued pursuant to this section [shall  
27 initially] may be claimed in the taxable year in which the  
28 contributor contributes funds to the authority. [Any amount of

1 credit that exceeds the tax due for a contributor's taxable year]  
2 For all fiscal years beginning on or after July 1, 2004, tax  
3 credits allowed pursuant to this section may be carried back to  
4 any of the contributor's three prior tax years and may be carried  
5 forward to any of the contributor's five subsequent taxable  
6 years. Tax credits issued pursuant to this section may be  
7 assigned, transferred or sold and the new owner of the tax credit  
8 shall have the same rights in the credit as the contributor.

9 Whenever a certificate of tax credit is assigned, transferred,  
10 sold or otherwise conveyed, a notarized endorsement shall be  
11 filed with the authority specifying the name and address of the  
12 new owner of the tax credit or the value of the credit.

13 5. The funds derived from contributions in this section  
14 shall be used for financial assistance or technical assistance  
15 for the purposes provided in section 348.407, to rural  
16 agricultural business concepts as approved by the authority. The  
17 authority may provide or facilitate loans, equity investments, or  
18 guaranteed loans for rural agricultural business concepts, but  
19 limited to two million dollars per project or the net state  
20 economic impact, whichever is less. Loans, equity investments or  
21 guaranteed loans may only be provided to feasible projects, and  
22 for an amount that is the least amount necessary to cause the  
23 project to occur, as determined by the authority. The authority  
24 may structure the loans, equity investments or guaranteed loans  
25 in a way that facilitates the project, but also provides for a  
26 compensatory return on investment or loan payment to the  
27 authority, based on the risk of the project.

28 6. In any given year, at least ten percent of the funds

1 granted to rural agricultural business concepts shall be awarded  
2 to grant requests of twenty-five thousand dollars or less. No  
3 single rural agricultural business concept shall receive more  
4 than two hundred thousand dollars in grant awards from the  
5 authority. Agricultural businesses owned by minority members or  
6 women shall be given consideration in the allocation of funds.

7 348.432. 1. The tax credit created in this section shall  
8 be known as the "New Generation Cooperative Incentive Tax  
9 Credit".

10 2. As used in this section, the following terms mean:

11 (1) "Authority", the agriculture and small business  
12 development authority as provided in this chapter;

13 (2) "Development facility", a facility producing either a  
14 good derived from an agricultural commodity or using a process to  
15 produce a good derived from an agricultural product;

16 (3) "Eligible new generation cooperative", a nonprofit  
17 cooperative association formed pursuant to chapter 274, RSMo, or  
18 incorporated pursuant to chapter 357, RSMo, for the purpose of  
19 operating a development facility or a renewable fuel production  
20 facility and approved by the authority;

21 (4) "Eligible new generation processing entity", a  
22 partnership, corporation, cooperative, or limited liability  
23 company organized or incorporated pursuant to the laws of this  
24 state consisting of not less than twelve members, approved by the  
25 authority, for the purpose of owning or operating within this  
26 state a development facility or a renewable fuel production  
27 facility in which producer members:

28 (a) Hold a majority of the governance or voting rights of



1 the entity and any governing committee;

2 (b) Control the hiring and firing of management; and

3 (c) Deliver agricultural commodities or products to the  
4 entity for processing, unless processing is required by multiple  
5 entities;

6 (5) "Employee-qualified capital project", an eligible new  
7 generation cooperative with capital costs greater than fifteen  
8 million dollars which will employ at least [one hundred] sixty  
9 employees;

10 (6) "Large capital project", an eligible new generation  
11 cooperative with capital costs greater than one million dollars;

12 (7) "Producer member", a person, partnership, corporation,  
13 trust or limited liability company whose main purpose is  
14 agricultural production that invests cash funds to an eligible  
15 new generation cooperative or eligible new generation processing  
16 entity;

17 (8) "Renewable fuel production facility", a facility  
18 producing an energy source which is derived from a renewable,  
19 domestically grown, organic compound capable of powering  
20 machinery, including an engine or power plant, and any by-product  
21 derived from such energy source;

22 (9) "Small capital project", an eligible new generation  
23 cooperative with capital costs of no more than one million  
24 dollars.

25 3. Beginning tax year 1999, and ending December 31, 2002,  
26 any producer member who invests cash funds in an eligible new  
27 generation cooperative or eligible new generation processing  
28 entity may receive a credit against the tax or estimated

1 quarterly tax otherwise due pursuant to chapter 143, RSMo, other  
2 than taxes withheld pursuant to sections 143.191 to 143.265,  
3 RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal  
4 to the lesser of fifty percent of such producer member's  
5 investment or fifteen thousand dollars.

6 4. For all tax years beginning on or after January 1, 2003,  
7 any producer member who invests cash funds in an eligible new  
8 generation cooperative or eligible new generation processing  
9 entity may receive a credit against the tax or estimated  
10 quarterly tax otherwise due pursuant to chapter 143, RSMo, other  
11 than taxes withheld pursuant to sections 143.191 to 143.265,  
12 RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal  
13 to the lesser of fifty percent of such producer member's  
14 investment or fifteen thousand dollars. Tax credits claimed in a  
15 taxable year may be done so on a quarterly basis and applied to  
16 the estimated quarterly tax pursuant to subsection 3 of this  
17 section. If a quarterly tax credit claim or series of claims  
18 contributes to causing an overpayment of taxes for a taxable  
19 year, such overpayment shall not be refunded but shall be applied  
20 to the next taxable year.

21 5. A producer member shall submit to the authority an  
22 application for the tax credit authorized by this section on a  
23 form provided by the authority. If the producer member meets all  
24 criteria prescribed by this section and is approved by the  
25 authority, the authority shall issue a tax credit certificate in  
26 the appropriate amount. Tax credits issued pursuant to this  
27 section [shall initially be claimed in the taxable year in which  
28 the producer member contributes capital to an eligible new

1 generation cooperative or eligible new generation processing  
2 entity. Any amount of credit that exceeds the tax due for a  
3 producer member's taxable year] may be carried back to any of the  
4 producer member's three prior taxable years and carried forward  
5 to any of the producer member's five subsequent taxable years  
6 regardless of the type of tax liability to which such credits are  
7 applied as authorized pursuant to subsection 3 of this section.

8 Tax credits issued pursuant to this section may be assigned,  
9 transferred, sold or otherwise conveyed and the new owner of the  
10 tax credit shall have the same rights in the credit as the  
11 producer member. Whenever a certificate of tax credit is  
12 assigned, transferred, sold or otherwise conveyed, a notarized  
13 endorsement shall be filed with the authority specifying the name  
14 and address of the new owner of the tax credit or the value of  
15 the credit.

16 6. Ten percent of the tax credits authorized pursuant to  
17 this section initially shall be offered in any fiscal year to  
18 small capital projects. If any portion of the ten percent of tax  
19 credits offered to small capital costs projects is unused in any  
20 calendar year, then the unused portion of tax credits may be  
21 offered to employee-qualified capital projects and large capital  
22 projects. If the authority receives more applications for tax  
23 credits for small capital projects than tax credits are  
24 authorized therefor, then the authority, by rule, shall determine  
25 the method of distribution of tax credits authorized for small  
26 capital projects.

27 7. Ninety percent of the tax credits authorized pursuant to  
28 this section initially shall be offered in any fiscal year to

1 employee-qualified capital projects and large capital projects.  
2 If any portion of the ninety percent of tax credits offered to  
3 employee-qualified capital projects and large capital costs  
4 projects is unused in any fiscal year, then the unused portion of  
5 tax credits may be offered to small capital projects. The  
6 maximum tax credit allowed per employee-qualified capital project  
7 is three million dollars and the maximum tax credit allowed per  
8 large capital project is one million five hundred thousand  
9 dollars. If the authority approves the maximum tax credit  
10 allowed for any employee-qualified capital project or any large  
11 capital project, then the authority, by rule, shall determine the  
12 method of distribution of such maximum tax credit. In addition,  
13 if the authority receives more tax credit applications for  
14 employee-qualified capital projects and large capital projects  
15 than the amount of tax credits authorized therefor, then the  
16 authority, by rule, shall determine the method of distribution of  
17 tax credits authorized for employee-qualified capital projects  
18 and large capital projects.